

App. F. IX-4

Previous References.

✓
194 / .
(Cb-)

File No. 38-41

Serial Nos. 1-2

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two only

Part B for Aug '41.

SUBJECT.

Amendment to para 11 of Civil Rules of Practice
and Circular orders, Vol. I. re: Stay Proceedings.

p 746 Dated 16.8.41.

To

The Registrar High Court.

Accord Sanction to the above Amendment.

C. J. Vajramani
21.8.41

Serial
No.

From

The Registrar High Court

No ROC 175 / 41-42 of 4.8.41

OFFICE OF THE
MINISTER FOR LAW

AUG 13 1941

No. 1461

Requests sanction to make a Rule of practice
with a view to prevent party from
getting from the High Court an order of
interim stay of proceedings in a lower
Court et- parte and then keeping the stay
going without the stay petition being finally
heard by failing to pay process fee for notice to the
other side.

Subd with a draft of a G.O. sanctioning
for approval or other orders

May be sanctioned

Secy (Legal)

3
11/87

Minister
(Initials)

Hm
12/87/41

18/87

3
14/87/41

Hm
13/87/41

Jm
3
31/87/41

2

Issued G.O. No. P 746 of 16.8.41

Sanctions are proposed by
the High Court

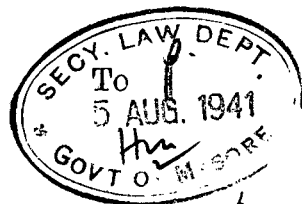
R. O. C. No. 175-
D. Dis.
Encl. one 41-42

778/241
HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 4th August 1941.

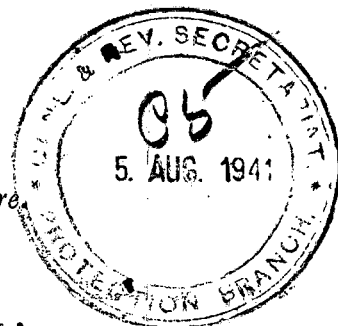
FROM

T. SHAMIENGAR, Esq., B.A., B.L.,

Registrar, High Court of Mysore.



H.V. NARAYANA RAO, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.



SIR,

C/S 38-41-1

I am directed to state that the High Court finds it necessary to make a civil rule of practice as shown in the enclosure in order to prevent a party from getting from the High Court an order of interim stay of proceedings in a lower Court ex parte and then keeping the stay going without the stay petition being finally heard by failing to pay process fee for notice to the other side. An instance of such an abuse has recently come to the notice of this Court.

2. I am therefore to request that the Government may be pleased to sanction the proposed rule under Section 130 of the Code of Civil Procedure.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
REGISTRAR.



GRA/-

HIGH COURT OF MYSORE AT BANGALORE.

R.Dis.No. of 1941-42.

Dated, Bangalore, 4th August 1941.

Insert the following as paragraph 11(a) on page 4 of Civil Rules of Practice and Circular Orders, Volume I:

"When a Judge makes an order ex parte for interim stay of proceedings in any Court, the order shall not be issued from the High Court, unless the Judge for some exceptional reason explicitly so directs, until process-fee has been paid by the Petitioner for service of notice in the stay petition on every other party concerned, to whom such notice has not been given through his Counsel; and, if such process-fee is not paid or notice given within three days from the date of the Judge's order, the application for stay shall be submitted to the Judge in Chambers for dismissal, unless the Judge has directed in exceptional circumstances as aforesaid that the order for interim stay should be issued immediately".

J. Hanumanthar
REGISTRAR.

GRA/-

SUBJECT

Diary. No of letter replied to

General and Revenue Secretariat

the

193

Date of issue..... 16.8.41 193

Signed by Mr. K. P. P.

May this be—

- (i) printed ?
- (ii) treated as a standing order ?
- (iii) published in the Gazette, English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette, Kannada Part ?

14/8/41

Section *ch*

File No. 38-41

Serial No. 2

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Read—

Letter No ROC 175/41-42
of 4.8.1941 from the
Registration High Court of
Mysore requesting sanction
to make a ~~Rule~~ Rule
of practice as shown in

Order thereon. No. the appended
Statement with a view
to prevent a party from
getting from the High
Court an order of interim
stay of proceedings in
a lower Court ex parte
and then keeping the

stay going without the
stay petition being finally
heard by ~~the~~ failing
to pay process fee for
notice to the other side

order of

Sanctioned

Hu
2
12/15/41
Sanctioned
J. H. H.

To

The Register High Court.

List of Enclosure

Copied by

Examined by

54

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

R E A D:

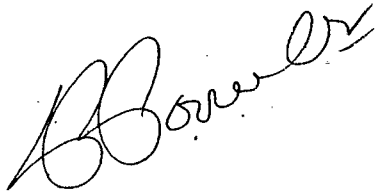
Letter No.R.O.C.175/41-42 dated 4th August 1941 from the Registrar, High Court of Mysore, requesting sanction to make a Rule of practice as shown in the appended statement with a view to prevent a party from getting from the High Court an order of interim stay of proceedings in a lower court ex-parte and then keeping the stay going without the stay petition being finally heard by failing to pay process fee for notice to the other side.

O R D E R No.P. 746 Ch 38-41-2

Dated, Bangalore, the

16th August 1941.

S A N C T I O N E D.


FV Secretary to Government,
Law Department.

To

The Registrar, High Court of Mysore, Bangalore.

TN-2)

APPENDIX.

Insert the following as paragraph 11 (a) on page 4 of Civil Rules of Practice and Circular Orders, Volume I:

"When a Judge makes an order ex-parte for interim stay of proceedings in any Court, the order shall not be issued from the High Court, unless the Judge for some exceptional reason explicitly so directs, until process-fee has been paid by the Petitioner for service of notice in the stay petition on every other party concerned, to whom such notice has not been given through his Counsel; and, if such process-fee is not paid or notice given within three days from the date of the Judge's order, the application for stay shall be submitted to the Judge in Chambers for dismissal, unless the Judge has directed in exceptional circumstances as aforesaid that the order for interim stay should be issued immediately".

h

For Secretary to Gov
as Sep